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Michael K Powell, Chairman, and
Kathleen Q. Abernathy, Michael J. Copps, and Kevin J. Martin, Commissioners
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Docket Number 01-184 – Local Number Portability

Mr. Powell & Commissioners:

I. Introduction

I write today on my own behalf, as a consumer of telecommunications services, in opposition to further allowing any telecommunications provider, wireline or wireless, to remain in noncompliance with the letter and spirit of the Commission's orders regarding Local Number Portability. The maintenance of this inequity is contrary to the public interest for the reasons I shall set forth below.

II. The Historical Environment

New, innovative wireless services offer a level of affordability and convenience of use unheard of when the FCC first began issuing licenses for the Mobile Telephone Service (MTS), the precursor to today's cellular wireless networks. The first MTS services were operated by The Bell System and required manual operator intervention to use. Later improvements allowed for direct dialing and other commonly accepted telephone features of the day, including the ability to have calls to a home or office directed to the mobile telephone. Then, with deregulation, cellular wireless services appeared, ostensibly to provide increased competition to the newly-created Regional Bell Operating Companies (RBOCs). This was accomplished by the Commission through the use of an A/B licensing scheme, as well as other restrictions on the RBOCs which were tied to their continued status as monopoly providers of wireline LEC services. For various regulatory & technical reasons, Local Number Portability was impractical to implement at the time. In fact, the RBOCs have maintained that competitive advantage, essentially to the present day.

III. The Uneven Playing Field

Wireline carriers are required, for the most part, only to implement Local Number Portability (hereinafter referred to as LNP) to and from other wireline carriers. Wireline carriers are not required to allow LNP to or from wireless carriers, nor are wireless carriers required to implement LNP among themselves. This puts the wireless carriers at a distinct and evident disadvantage in that each of their subscribers is required to give up the telephone number they had been known by or to maintain costly and inconvenient dual service. This hinders competition among local exchange carriers, both wireline and wireless, even though the Commission's stated aim is to encourage such competition. Meaningful competition will not happen as long as wireline carriers' proprietary attitude toward subscriber telephone numbers is allowed to continue unabated.

IV. The Public Interest & Restraint of Trade

The Radio Act of 1927, which created the Federal Radio Commission, now the Federal Communications Commission, charges the Commission with promulgating and enforcing regulations that require communications providers to operate in the public interest. The public has a manifest interest in being able to take their telephone number(s) with them when they change service providers. In the current regulatory environment, their right to Local Number Portability is only protected when they transition from one wireline LEC to another. This violates the spirit of the public interest mandate of the FCC in that the public must sacrifice their interest in LNP in order to transition to, from, or between wireless carriers.

V. The Impact on NANP Exhaustion

Another area the Commission must concern itself with is the threat that the lack of full & free Local Number Portability poses to the North American Numbering Plan (NANP). Without LNP, each carrier, in order to be competitive, must reserve tens of thousands of telephone numbers. As the number of carriers multiplies, the problem grows exponentially, causing local number exhaustion within each affected NPA to occur at a rate far greater than the NANPA, state PUCs, or the FCC itself could reasonably predict and accommodate. Implementing LNP among all carriers in an NPA will drastically lessen the pressure on these groups to implement costly NPA splits and overlay, not to mention holding at bay the looming spectre of revamping the entire North American Numbering Plan.

VI. Conclusion

The Federal Communications Commission, as a body charged with promulgating regulations to maintain telecommunications services within the public interest must, and as a matter of meeting its fundamental mandate, must draft rulemaking that will compel the implementation of Local Number Portability (LNP) with all deliberate speed, in a manner that similarly situates both wireline and wireless carriers. In this way, the Commission will perform one of the fundamental and immutable duties of government, that of protecting the public interest and promoting free trade and market-driven innovation.